

Appl. No. : 10/091,226
Filed : February 28, 2002

REMARKS

In response to the Office Action mailed August 28, 2003, Applicant has amended the application as above. No new matter is added by the amendments as discussed below. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the amendments and the remarks set forth below.

Discussion of Claim Amendments

Claims 8-9 have been cancelled, without prejudice. Claims 5, 14, 17, 21 and 24 have been amended. Claims 1-4, 6-7, 10-13, 15-20 and 22-24 have been allowed. Upon the entry of the amendments, Claims 1-7 and 10-24 are pending in this application. The amendments to Claims 5, 14 and 21 are to correct incorrect dependency of the claims. The amendments to Claims 17 and 24 are merely to correct a typographical error, and do not narrow the scope of protection. Thus, the claim amendments do not introduce any new matter to the application. Applicant respectfully requests the entry of the amendments.

Discussion of Priority Under 35 U.S.C. § 119(e)

Applicant has noticed that the Office Action does not acknowledge a domestic priority claim under 35 U.S.C. § 119(e). However, Applicant claimed the domestic priority in the signed Declaration submitted June 6, 2002, and in the specification which was amended by the preliminary amendment filed February 14, 2003. Applicant also notes that the updated filing receipt mailed July 23, 2002, confirms the domestic priority claim. Thus, Applicant respectfully requests that the next Office Action acknowledge the domestic priority claim.

Discussion of Claim Rejections Under 35 U.S.C. § 112, ¶ 2

The Examiner has rejected Claims 5, 14 and 21 under 35 U.S.C. § 112, second paragraph as being indefinite. As discussed below, the rejected claims are now clear and definite. Withdrawal of the rejections is respectfully requested.

The Examiner asserts that the limitation "a second constant and finite value" in the claims is not clear. In reply, Applicant has amended the dependency of Claims 5, 14 and 21 to refer to Claims 4, 13 and 20, respectively. Since each of Claims 4, 13 and 20 recites "a first finite and

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constant value,” amended Claims 5, 14 and 21 reciting “a second constant and finite value” are clear and definite.

The Examiner notes that the term “prove” in Claim 17 should read “probe.” In reply, Applicant has amended the term of the claim to read “probe.” In addition, Applicant has amended the term in Claim 24 “prove” to read “probe.”

Response to Examiner's Comments

Applicant wishes to respond to the comments on the claims made on page 3 of the Action. Each claim is distinguished from the prior art in view of the entirety of its verbiage and not any particular language that has been noted by the Examiner.

CONCLUSION

In view of Applicant’s amendments to the claims and the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/25/03

By: _____

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